

1  
2  
3  
4  
5  
6  
7                   UNITED STATES DISTRICT COURT FOR THE  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT TACOMA

10                   UNITED STATES OF AMERICA,

11                   Plaintiff,

12                   v.

13                   EDGAR RODRIGUEZ IBARRA,  
14                   JUAN MANUEL GOMEZ-RUIZ,  
15                   JUAN CUATRO-REVELO,  
16                   JENNIFER KLEPACH,  
17                   GARY POLSTON, and  
18                   FRANCISCO RODRIGUEZ-PEREZ,  
19                   aka SANTOS BARRAGAN-PEREZ,  
20                   aka JOSE SANDOVAL MALDANADO,

21                   Defendants.

CASE NO. CR13-5597BHS

**ORDER GRANTING UNITED STATES'  
MOTION FOR A PROTECTIVE ORDER  
TO MAINTAIN CUSTODY OF  
PROPERTY**

21                   This matter comes before the Court upon motion of the United States for a protective  
22 order, pursuant to Title 21, United States Code, Section 853(e)(1)(A) and Title 18, United  
23 States Code, Section 983(a)(3)(C), to maintain custody of certain property named for  
24 forfeiture in the Superseding Indictment filed in this matter on November 14, 2013. Having  
25 reviewed the United States' motion, the Court finds:

26                   The property to which this Order refers to is as follows:

- 27                   a. \$10,617.00 in U.S. currency, more or less, seized from the residence of JUAN  
28                   MANUEL GOMEZ-RUIZ on or about October 29, 2013;

- 1        b. \$9,019.97 in U.S. currency, more or less, seized from the residence of
- 2              FRANCISCO RODRIGUEZ-PEREZ, on or about October 29, 2013;
- 3        c. \$970.00 in U.S. currency, more or less, seized from the residence of JUAN
- 4              CUATRO-REVELO, on or about October 29, 2013;
- 5        d. One (1) 2006 black Mercedes Benz C230, Washington license plate: AIX5559,
- 6              VIN: WDBRF52H66F730974, seized from JENNIFER KLEPACH, on or about
- 7              October 29, 2013;
- 8        e. One (1) 9mm Semi-Automatic Taurus PT92AF Pistol, serial number: THJ48588,
- 9              seized from a Dodge Durango, California license plate: 5ACA466;
- 10       f. One (1) .16 gauge Mossberg pump shotgun, model 190KA (serial number
- 11              obliterated);
- 12       g. One (1) gray 2004 Ford F-150, Washington license plate: B37517R, VIN:
- 13              1FTPW12584KA67578, seized from JUAN MANUEL GOMEZ-RUIZ; and
- 14       h. One (1) .45 caliber Smith and Wesson handgun, serial number: MPY4471.

15       The Property, as described above, has been named in the November 14, 2013 Superseding  
 16 Indictment in this case as subject to forfeiture, and more particularly described in the  
 17 Government's First Bill of Particulars filed February 26, 2014. The Property is currently in  
 18 the custody of the United States Marshal's Service and Drug Enforcement Administration,  
 19 and is subject to administrative forfeiture notice and claim proceedings under Title 18,  
 20 United States Code, Section 983.

21       The United States is entitled to a protective order pursuant to Title 21, United States  
 22 Code, Section 853(e)(1)(A) based on the fact that the Property is included in the Superseding  
 23 Indictment, which alleges that, upon conviction, the Property is subject to forfeiture. This  
 24 demonstrates the probable cause necessary for the continued restraint and custody of the  
 25 Property pending conclusion of the criminal forfeiture proceedings in this case and pending  
 26 further order of the Court.

1 It is therefore

2 **ORDERED AND ADJUDGED:**

- 3 1. The United States' motion for a protective order is GRANTED.
- 4 2. The Property, as identified above, shall remain in the custody of the United States
- 5 Marshal's Service and Drug Enforcement Administration pending conclusion of
- 6 the criminal forfeiture proceedings and further order of this Court.
- 7 3. The Clerk is ordered to send copies of this Order to counsel for all parties of
- 8 record.

9 DATED this 24<sup>th</sup> day of March, 2014.

10  
11  
12  
13  
14



15 BENJAMIN H. SETTLE  
United States District Judge

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Presented by:

s/Matthew H. Thomas  
MATTHEW H. THOMAS  
Assistant United States Attorney  
United States Attorney's Office  
1201 Pacific Avenue, Suite 700  
Tacoma, Washington 98402  
Phone: (253) 428-3809  
Fax: (253) 428-3826  
E-Mail: Matthew.H.Thomas@usdoj.gov